

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

COREY DAY

v.

C.A. NO. 08-161 ML

ASHBEL T. WALL, et al.

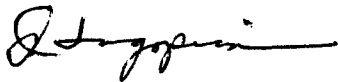
REPORT AND RECOMMENDATION

Jacob Hagopian, Senior United States Magistrate Judge

Plaintiff, *pro se*, is an inmate at the Adult Correctional Institutions ("ACI") in Cranston, Rhode Island. On May 2, 2008, plaintiff filed a complaint with the Court alleging that he is a Muslim and the named defendants were violating his civil rights (Docket # 1). On June 4, 2008, plaintiff, along with 14 other ACI inmates, filed an Amended Complaint in another case pending before this Court, *Corey Day, Juan Evora et al. v. A.T. Wall et al.*, C.A. No. 08-94 (D.R.I. filed March 13, 2008), alleging legal claims identical to those in the instant case. Presently before the Court is plaintiff's motion for voluntary dismissal of the instant action without prejudice, presumably pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure (the "Federal Rules") (Docket # 14). Defendants have not objected to plaintiff's motion. This matter has been referred to me for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

Federal Rule 41(a)(2) provides that a court has discretion to order the dismissal of an action at the plaintiff's request. Accordingly, I recommend that plaintiff's motion for voluntary dismissal be **GRANTED** and, pursuant to plaintiff's request, this action be dismissed without prejudice.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within ten days of its receipt. Fed.R.Civ.P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986) (*per curiam*); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
October 21, 2008